

## **REMARKS**

Reconsideration and allowance of the subject application are respectfully requested.

Claims 25-42 are pending.

Claims 27 and 30 stand rejected under 35 U.S.C. §112, 2<sup>nd</sup> paragraph for antecedent basis problems. Applicants respectfully traverse this rejection.

With respect to claim 27, the Examiner asserts that there is no antecedent basis for the limitation “first data block.” As the Examiner will note, the claims have been amended to delete the word “first” in the recitation “first data block.” As to the antecedent basis for the use of the term “data block” in claim 27, this claim indirectly depends upon claim 25, which provides sufficient antecedent basis for the term.

With respect to claim 30, the Examiner asserts that there is no antecedent basis for the limitation “first pointer.” While claim 30 does depend directly on claim 28, claim 28 depends from 25, and claim 25 provides antecedent basis for the recitation of “first pointer.”

In view of the above, Applicants respectfully request that the Examiner withdraw this rejection.

Claims 25-36 stand rejected under 35 U.S.C. §102b as being anticipated by Ohata (U.S. Patent No. 6,469,978). Applicants respectfully traverse this art grounds of rejection.

In rejecting, for example, claim 25, the Examiner asserts that the first information including recordation status recited in claim 25 reads on Fig. 3 and Col. 7, lines 35-39 of Ohata. This portion of Ohata describes a control data area for holding information needed to control recording and reproduction such as the disc rotational speed and laser power required for recording or reproduction. Further along in Col. 7 the control data area is recited as containing physical format information. In particular, the physical formation information is listed at the top of Col. 8 and in Fig. 3 as: the number of zones on a disc, number of tracks in a guard area, number of tracks in each zone, number of sectors in each track, and the first address of user area in each zone.

However, no where is the control data area described as including "information including recordation status indicating recorded areas and non-recorded areas of the data area," as recited in claim 25. Therefore, Ohata does not anticipate or render claim 25 obvious to one skilled in the art.

Independent claims 31 and 34, include similar limitations to those discussed above with respect to claim 25. Therefore claims 31 and 34 are patentable at least for the reasons stated above with respect to claim 25.

Claims 26-29, 32-33, 35-36 and 37-41, dependent upon one of the above discussed independent claims, are patentable for the reasons stated above with respect to the independent claims as well as on their own merits.

Applicants respectfully that the Examiner withdraw this art grounds of rejection.

## **CONCLUSION**

In view of above remarks, reconsideration of the outstanding rejection and allowance of the pending claims is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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